

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 08OD-043

OAHU

Sale of Remnant to Calvin Harada, Dexter Harada, Roy Harada, Janet Kapaas,
Charlotte Oda and Withdrawal from Governor's Executive Order No. 1598;
Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-025:037 portion

APPLICANT:

Calvin Harada, Dexter Harada, Roy Harada, Janet Kapaas, Charlotte Oda, as the joint
applicant c/o 94-220 Polapola Place, Mililani, Hawaii 96789

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at, Waimanalo, Koolaupoko, Oahu, identified by
Tax Map Key: (1) 4-1-025:037 portion, as shown on the attached map labeled Exhibit A.

AREA:

0.248 Acres, more or less

ZONING:

State Land Use District:	Agricultural
City & County of Honolulu	LUO: AG-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES _____ NO X

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 1598 to the Department of Agriculture for operation and maintenance of an irrigation system to develop small scale farming.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowners and will become privately owned land at that point.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to DAGS standards and at the Applicant's own cost;
- 2) Pay for an appraisal to determine the one-time payment of fair market value for the remnant; and
- 3) Consolidate the remnant with the Applicant's abutting property through the County subdivision process.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been determined to be a remnant by this definition for the following reasons:

The subject parcel is considered to be a remnant parcel because it is a portion of an abandoned irrigation ditch, and is physically unsuitable for development.

The size of the subject ditch parcel consists of 0.248 acres (approximately 10,804 square feet) of irrigation flume; formerly used for water delivery to agricultural lots. The State of Hawaii is the fee owner of the irrigation ditch system that had once serviced the Waimanalo Farm Lots expanding throughout Waimanalo, and is under the jurisdiction of the Department of Agriculture per Governor's Executive Order No. 1598.

Applicant is the fee owner of Tax Map Key: (1) 4-1-025: 10, as staff has confirmed by the City and County's Real Property Tax website, and is also the fee owner of parcel 11. The subject parcel area is located between the applicant's two privately owned parcels; which abut the subject parcel on both sides. There are no other abutting property owners. Thus, due to the subject parcel's unique location situated between the applicant's two privately owned parcels, including its physical location within the abandoned irrigation flume, the subject parcel is not capable for development or utilization as a separate unit. Thus, staff recommends that the subject parcel be treated as a remnant.

Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff from State Historic Preservation Division (SHPD) inquired about the State's intention to reuse the ditch system and also inquired about the remaining structures within the ditch system. Based on their findings, SHPD concluded that the subject remnant sale would "not affect historic properties."

Staff responds that the subject parcel is a portion of an abandoned ditch, and that previously, other portions of the same irrigation system have also been disposed of as remnants. The Department of Agriculture, the agency under the subject Governor's Executive Order, has no objection to the request.

The Department of Hawaiian Home Lands, Commission of Water Resource Management, Board of Water Supply and Department of Facilities Maintenance had no objections/comments to the request.

The Department of Health, the Department of Planning and Permitting and the Office of Hawaiian Affairs had no response as of the suspense date of this request.

There are no other pertinent issues or concerns, and staff has no objection to the request.


RECOMMENDATION:

That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcels described as Tax Map Key: (1) 4-1-025: 010 and 011, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Approve of and recommend to the Governor the issuance of an executive order withdrawing the subject area from Governor's Executive Order No. 1598, subject to the following:
 - a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session following the date of the setting aside;
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Calvin Harada, Dexter Harada, Roy Harada, Janet Kapaas and Charlotte Oda, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and


- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

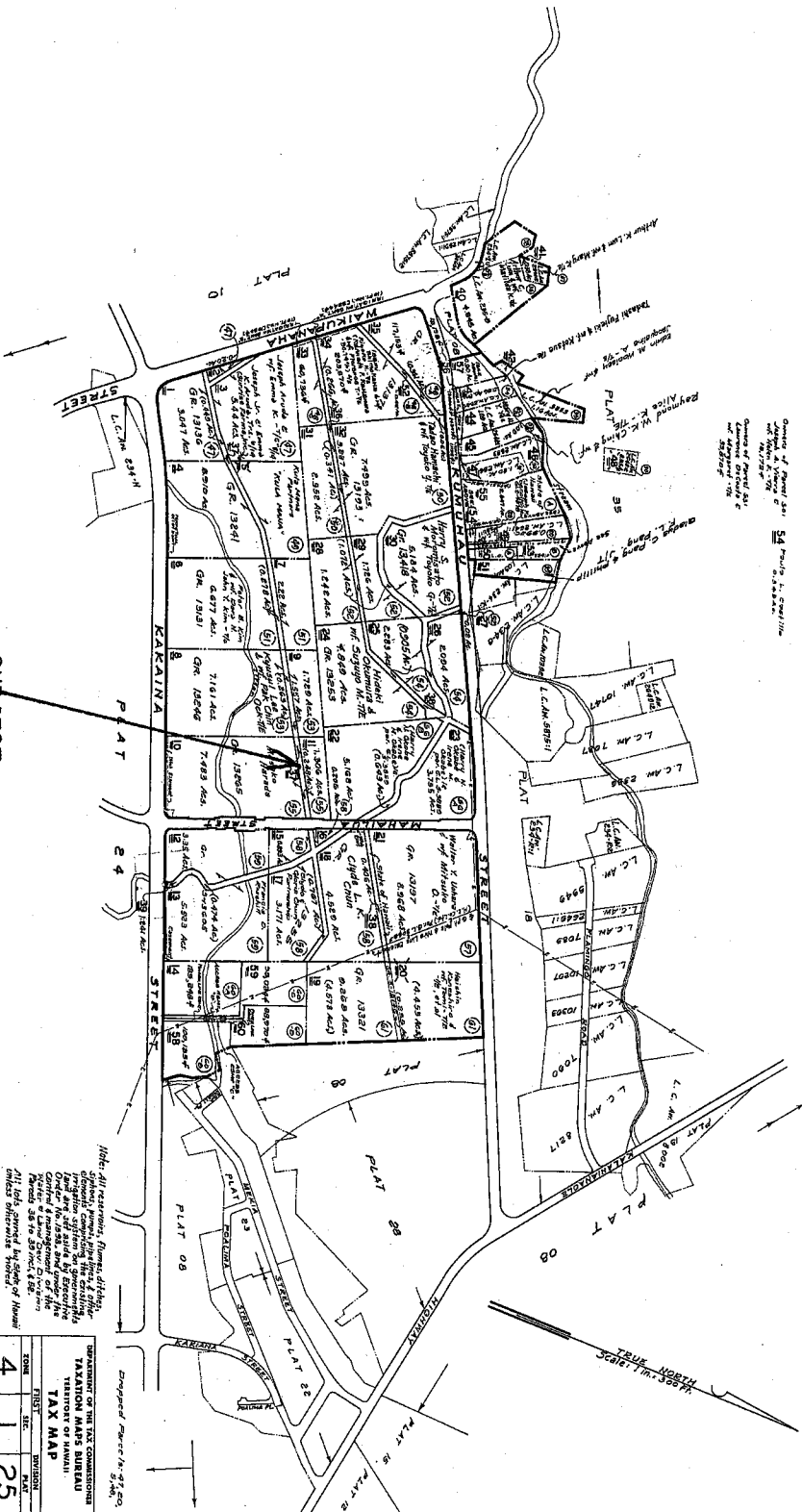


WAIMANALO FARM LOTS, WAIMANALO, KOOLAUPAHO, OAHU.

SUBJECT

SUBJECT TO CHANGE

DEPARTMENT OF THE TAX COMMISSION TAXATION MAPS BUREAU TERRITORY OF HAWAII TAX MAP			
ZONE	FIRST	REV.	DATE
4	1	25	
TAXES			



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EXHIBIT "A"